

AGENDA ITEM

March 17, 2008

RECIPROCAL ACCESS AGREEMENT SUMMARY

RIGHT OF WAY APPLICATION FILE NO. 14518

I. **Applicant:**

Stimson Lumber Company
Bonner, MT 59823

II. **Purpose:**

State land is intermingled with Stimson Lumber Company property. In order for both the State and Stimson to gain legal access, it is essential to exchange easements within the same tributary area. The State would grant a right-of-way for a perpetual non-exclusive easement for the purpose of constructing, reconstructing, maintaining, repairing, and using a road or road segment for all lawful purposes.

III. **Legal Description:**

State Land

Sec. 36, Twp. 26N, Rge. 32W
Acres: 8.36
Miles of Road Granted: 1.15

Stimson Lands

Sec. 31, Twp. 26N, Rge. 31W
Acres: 24.51
Miles of Road Granted: 3.37

IV. **General Information:**

Land Office:	NWLO
Unit Office:	Plains
County:	Sanders
Beneficiary:	Common Schools
Land Classification:	Forest

V. **Costs to be Borne by Each Party:**

Excess costs, by land value, were established utilizing the DNRC fee schedule and are summarized as follows:

	EXCESS COSTS	
	Stimson owes State	State owes Stimson
Land Value	\$ 2,821	\$ 7,594
Road Costs	\$ 19,170	\$ 17,732
Total Value/Costs*	\$ 21,991	\$ 25,326

NET BALANCE

Land Value	\$ 0	\$ 4,773
Road Costs	\$ 1,438	\$ 0
Subtotals	\$ 1,438	\$ 4,773
TOTAL LAND AND ROAD	\$ 0	\$ 3,335

***The State of Montana and Stimson agree to apply this balance due by the State on the Balance Sheet and reconcile on or before June 30, 2008.**

VI. Benefits to State:

1. Provides permanent access for all lawful purposes, including utilities, to 459 acres of State Trust lands.
2. The public currently has access to State land via the McKay Creek Road, which begins at its junction with Highway 200 and proceeds easterly and crosses Stimson land in Section 35, Township 26 North, Range 32 West to the west section line of State land in Section 36, Township 26 North, Range 32 West. This road is under the jurisdiction of the United States and is currently managed by the US Forest Service, Kootenai National Forest as an open road. The Stimson Lumber Company grant does not create any right in the public for access to State land via Stimson land Section 31, Township 26 North, Range 31 West being east of State land.
3. The Reciprocal Access Agreement provides for acquisition costs to be shared and thereby reduces access acquisition costs, shared financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, if need be, to current road standards and future revenue/cost through the 1% conveyance fee if lands are further subdivided. The easement from Stimson Lumber Company is assignable.

VII. Recommendation/Action:

After review of the documents, exhibits and benefits to the State, the Director recommends approval of the proposed Reciprocal Access Agreement with Stimson Lumber Company.